

**ASSEMBLY BILL**

**No. 556**

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**Introduced by Assembly Member Gordon**

February 16, 2005

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An act to add Sections 21669.5 and 21669.7 to the Public Utilities Code, relating to aeronautics.

LEGISLATIVE COUNSEL'S DIGEST

AB 556, as introduced, Gordon. Airports: noise impacts.

(1) The State Aeronautics Act governs the establishment and operation of airports in this state. The act requires the Department of Transportation to adopt noise standards governing the operation of aircraft and aircraft engines based upon the level of noise acceptable to a reasonable person residing in the vicinity of the airport.

This bill would authorize a proprietor of an airport having a noise impact area, as defined, to request a variance from noise standards in effect on January 1, 2006, for a period not exceeding 3 years, in accordance with prescribed procedures. The bill would prohibit an airport proprietor from operating an airport with a noise impact area unless the operator has applied for and received a variance in accordance with the bill.

(2) A violation of the act is a crime.

This bill, by imposing the prohibition on airport proprietors operating without a variance, would create a new crime, thereby imposing a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 21669.5 is added to the Public Utilities
- 2 Code, to read:
- 3 21669.5. (a) A proprietor of an airport having a noise impact
- 4 area, as defined in Section 21669.7, may request a variance from
- 5 Section 5012 of Title 21 of the California Code of Regulations in
- 6 effect on January 1, 2006, for a period not exceeding three years
- 7 as set forth in this section. If a previous variance has been
- 8 granted, the department shall grant or deny a new request within
- 9 six months after the date of the previous variance.
- 10 (b) The procedures for requesting the variance are as follows:
- 11 (1) The airport proprietor shall apply to the department for a
- 12 variance.
- 13 (2) An application for a variance shall be made upon a form
- 14 that the department shall make available.
- 15 (3) The application shall set forth the reasons that support the
- 16 necessity of a variance. The application shall state the date by
- 17 which the airport proprietor expects to achieve compliance with
- 18 the requirement that there not be a noise impact area. The
- 19 application shall set forth an incremental schedule of noise
- 20 impact area reductions for the intervening period.
- 21 (c) In granting variances, the department shall be guided by
- 22 the underlying policy that the proprietor of each existing airport
- 23 having a noise impact area be required to develop and implement
- 24 programs to reduce the noise impact area of the airport to an
- 25 acceptable degree in an orderly manner over a reasonable period
- 26 of time.
- 27 (d) The department may grant a variance if it determines that
- 28 to do so would be in the public interest. In weighing the public
- 29 interest, the department's considerations include, but are not
- 30 limited to, all of the following:
- 31 (1) The economic and technological feasibility of complying
- 32 with the noise standards set by regulation.
- 33 (2) The noise impact if the variance is granted.

1 (3) The value to the public of the services for which the  
2 variance is sought.

3 (4) Whether the airport proprietor is taking good faith  
4 measures to the best of its ability to achieve the airport noise  
5 standards.

6 (e) The department, in granting a variance, may impose  
7 reasonable conditions to achieve the purposes of Chapter 6  
8 (commencing with Section 5000) of Division 2.5 of Title 21 of  
9 the California Code of Regulations in effect on January 1, 2006.

10 SEC. 2. Section 21669.7 is added to the Public Utilities Code,  
11 to read:

12 21669.7. No airport proprietor shall operate an airport with a  
13 noise impact area unless the operator has applied for and  
14 received a variance in accordance with Section 21669.5. “Noise  
15 impact area” means those portions of the areas contiguous to an  
16 airport that are subjected to a daily average of more than 65  
17 decibels resulting from aircraft, as measured on the community  
18 noise equivalent level.

19 SEC. 3. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the  
24 penalty for a crime or infraction, within the meaning of Section  
25 17556 of the Government Code, or changes the definition of a  
26 crime within the meaning of Section 6 of Article XIII B of the  
27 California Constitution.